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SENATE BILL 1009 By
Gilbert

HOUSE BILL 1501
By Rinks

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 10, by creating the Comprehensive Boating Safety Act of 1997 relative to titling and registration of vessels and vessel trailers, certificates of number of vessels, and vessel operator licenses and attendant fees.

Whereas, the Tennessee Wildlife Resources Agency is charged with the duty and the responsibility to administer the provisions of the Boating Safety Act of 1995; and

Whereas, the Tennessee Wildlife Resources Commission is charged with approving plans and the budget to carry out the intent of the Act; and

Whereas, the thirteen members of the Tennessee Wildlife Resources Commission create a diverse structure designed to provide substantial oversight by both the executive and the legislative branches of government; and

Whereas, this diversity is exhibited in that the membership includes the commissioner of the department of agriculture; the commissioner of the department of environment and conservation; nine members of the general public appointed by the governor and confirmed by the house conservation and environment committee and the senate energy resources committee and by joint resolution of the general assembly; one member appointed by the speaker of the senate; and one member appointed by the speaker of the house; and

Whereas, for various reasons which include safety and economics, other states have developed programs dealing with titling and registration of vessels and vessel trailers, certificates of number of vessels and vessel operator licenses; and

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Whereas, it is in the best interest of the State of Tennessee that the Tennessee Wildlife Resources Commission be authorized to develop through rules and regulations such programs along with fees to defray the costs for the Tennessee Wildlife Resources Agency to administer and enforce the programs; and,

Whereas, such rules and regulations would be subject to the oversight provisions as contained within the rulemaking and publications part of the Uniform Administrative Procedures Act as contained within Tennessee Code Annotated, Section 4-5-201 et seq.; and,

Whereas, any portion of such rules and regulations dealing with fees would require approval of the appropriate committee as designated within the rulemaking and publications part of the Uniform Administrative Procedures Act prior to their becoming effective; and, now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be cited as the Comprehensive Boating Safety Act of 1997.

SECTION 2. Notwithstanding any other provision of the law to the contrary, the wildlife resources commission is authorized to develop through rule and regulation titling and registration programs for vessels and boat trailers and vessel operator license programs along with fees to defray the costs for the administration and enforcement of the programs by the wildlife resources agency.

SECTION 3. Any rules and regulations promulgated pursuant to Section 2 are subject to the oversight provisions as contained within the rulemaking and publications part of the Uniform Administrative Procedures Act as contained with Tennessee Code Annotated, Section 4-5-201 et seq. Rules and regulations establishing fees shall not become effective until approved by the government operations committee, its successor committee or any other appropriate standing committee established within the rulemaking and publications part of the Uniform Administrative Procedures Act.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the at which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.